

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CTIA - THE WIRELESS ASSOCIATION®,

Plaintiff,

v.

THE CITY AND COUNTY OF SAN
FRANCISCO, CALIFORNIA,

Defendant.

Case No. C 10-03224 WHA

**STIPULATION REGARDING MOTION
SCHEDULE AND ~~PROPOSED~~
ORDER**

Date:

Time:

Place: Courtroom 9, 19th Floor

The parties file this supplemental stipulation to ask this Court to vacate and amend the motion schedule entered on November 10, 2010 (Doc. 23). The parties are stipulating jointly to a revised briefing schedule to account for an unanticipated delay in the passage of the City's pending amendment of the Ordinance at issue in this lawsuit. The revised schedule will additionally accommodate the need for certain limited expert discovery. The parties intend that the revised schedule will afford the parties and the Court an orderly approach that should allow adjudication of this case in advance of the expected May 1, 2011 compliance deadline. To the

1 extent that any future developments necessitate further adjustments, the parties commit to
2 negotiating in good faith to resolve those issues.

3 **RECITALS**

4 1. On November 5, 2010, the parties submitted a stipulated schedule for summary
5 judgment (Doc. 21), which this Court approved on November 10, 2010 (Doc. 23). That schedule
6 provided for briefing in January and February, and a hearing on February 24, 2011.

7 2. That schedule was predicated on the parties' mutual expectation that the City
8 would introduce a necessary amendment to its Ordinance by November 15, 2010, and that the
9 amendment would be finalized by the middle of December.

10 3. The City introduced its amendment on November 23, 2010. At present, it appears
11 that the amendment will become final in early to mid January. Because an amended complaint
12 (adding a claim under the First Amendment), answer, and subsequent motions practice depend on
13 a final Ordinance, the schedule entered on November 10, 2010 (Doc. 23) requires adjustment.

14 4. The adjusted schedule will also accommodate certain limited expert discovery to
15 which the parties have agreed prior to filing summary judgment motions.

16 5. While the parties have agreed upon a schedule in an attempt to afford this Court
17 time to resolve this case on motions for summary judgment prior to the effective date of the
18 Ordinance, CTIA reserves the right to seek preliminary relief should future developments require
19 it to do so.

20 6. The parties will continue to meet and confer regularly and in good faith to ensure
21 that any developments that may affect the schedule are dealt with by negotiation or brought to the
22 Court's attention as quickly as possible. Nonetheless, the parties desire to inform the Court of
23 these changes and respectfully propose stipulated adjustments to the existing schedule.

24 **PROPOSED STIPULATED SCHEDULE**

25 The parties propose the following motion schedule:

- 26 (1) CTIA will file an amended complaint within 5 court days of the amendment to the
27 Ordinance being signed into law;
28

- (2) The City will file its answer to the amended complaint within 5 court days after the amended complaint is filed;
- (3) Expert Reports will be provided to opposing Parties by January 4, 2011;
- (4) Rebuttal Expert Reports will be provided to opposing Parties by January 18, 2011;
- (5) Depositions of all expert witnesses will be conducted by February 1, 2011;
- (6) CTIA will file its summary judgment motion on February 10, 2011;
- (7) The City will file its opposition and cross-motion for summary judgment on February 22, 2011;
- (8) CTIA will file its reply/opposition on March 4, 2011;
- (9) The City will file its reply on March 8, 2011;
- (10) The cross-motions will be heard on March 17, 2011, or as soon thereafter as is practicable for the Court.

The parties will use their best efforts to agree on a joint appendix of evidentiary materials to be filed with CTIA's motion.

1 Dated: December 17, 2010

JONES DAY

2
3 By: /s/ Craig E. Stewart

4 Craig E. Stewart

5 Attorneys for Plaintiff

6 CTIA – The Wireless Association®

7 Dated: December 17, 2010

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17 THE CITY AND COUNTY OF SAN

18 FRANCISCO, CALIFORNIA

19
20 IT IS SO ORDERED.

21 Dated: December 21, 2010.

22 Wm H. Alsup

23 WILLIAM H. ALSUP

24 UNITED STATES DISTRICT JUDGE

25 SFI-657392v1